

### **DETAILED ACTION**

1. This action is the first on the merit of the instant application.
2. Claims 1-9 are pending in this action.
3. Claims 6 and 9 are, as discussed below, considered as independent claims by the way they are configured.

#### ***Specification***

The disclosure is objected to because of the following informalities: because it does not provide what the acronyms, TP-DCS and TD-UD stand for, including the purpose/use of them. Examiner also requests that applicant submit what is known (format or standard) about the TP-DCS and TD-UD fields and ETSI standard ES 201 912.

#### ***Claim Objections***

Claim 7 is objected to because of the following informalities: "he or it" on line 3 should be "he or she". Appropriate correction is required.

Claims 2-5 and 7-8 are objected to because of the following informalities: in the preambles of claims 2-5, claims 2-5, "a device" should be —the device and in the preamble of claims 7-8, "a method" should be --- the method. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 6, which is an independent method claim attempts to incorporate the features of claim 1 by reference. An independent claim may not recite or refer to another claim. The type of claim configuration, as depicted in claim 6 is not in agreement with the standard rules and practices of the USPTO.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim which is intended to claim a system fails to provide further limiting features. Instead of further limiting, claim 9 attempts to incorporate the features of claim 6 by "reference". This type of claim configuration is not in agreement with the standard rules and practices of the USPTO. In fact, an independent claim may not recite or refer to another claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Meins et al.  
(Meins) (US 6,587,700 B1)..

**As per claim 1:** Meins discloses a communications device comprising receiver for information coming from a sender (see col. 3, lines 32-38) who or which is likely to send an important message, characterized in that it comprises means for receiving said important messages (see col. 7, lines 21-30; col. 10, lines 54-65), means for indicating their receipt to the user (see col. 7, lines 21-30), and means for supplying the sender with an acknowledgement of the receipt of said message of importance when said indicating means have been put into operation (see (see col. 9, line 60-col. 10, line 14; col. 11, lines 12-24).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meins in view of Stille et al. (Stille) (US 5,878,397).

**As per claim 6:** Mins discloses a method of transmitting important information that is handled by means of a device as claimed in 1 (please refer to the rejection of claim 1) and which comes from a sender using a message emitting center (see col. 3, lines 32-38), characterized in that it comprises the following steps of:

- establishing a connection of the short message type (see col. 3, lines 32-38),
- sending a message from a short message center with an indication showing its importance (see col. 9, line 60-col. 10, line 15),
- receiving an acknowledgement of receipt coming from said device (see col. 11, lines 12-24).

In Meins, the receiver/user sends an acknowledgement message to the sender, wherein sender has a high possibility of receiving the acknowledgement signal/message since the communication is two-way. But, Meins does not explicitly teach about releasing the short-message type connection, as claimed by applicant. However, in the same field of endeavor, Stille teaches about a short message system, wherein the system releases the connection after completing the short message

process (see col. 7, lines 26-42). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of Meins with that of Stille for the advantage of minimizing the circuit holding time (see col. 7, lines 38-41).

**As per claim 9:** claim 9 is directed to a system for required to perform the steps of claim 6. However, since claim 6 is obviated by the prior art of record and the system is required by the method, claim 9 is rejected on the same ground and motivation as claim 6.

Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied to claims 1 and 6 above and further in view of Ayabe et al. (Ayabe) (US 6,868,274 B1).

**As per claim 2:** the references applied to claims 1 and 6 do not explicitly teach about a device, characterized, in that in the event of the acknowledgement of receipt not being sent, an alerting message is sent back to enable the sender to envisage other actions, as claimed by applicant. However, in the same field of endeavor, Ayabe teaches about a short message system, wherein --- if any of the fragments (of the short message) does not arrive at the terminating short message entity, the resulting automatic negative acknowledgement that already exists as a part of the existing standards for single data package short message service would instigate the originating short message entity to re-transmit that particular fragment (see col. 5, lines 40-47). Therefore, it would have been obvious for one of ordinary skill in the art to automatically send a negative acknowledgement to a short message originating entity, when any of

the fragments of a short message is not received, since the technique is a standard built with the short message system and thus can be used by any artisan of the field, as evidenced by applicant's use of the same.

**As per claim 7:** the feature of claim 7 is similar to the feature of claim 2. Hence, claim 7 is rejected on the same ground and motivation as claim 2.

Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied to claims 1 and 6 above, and further in view of Kim (US 7,352,849 B2)..

**As per claim 3 and 8:** the references applied to claims 1 and 6 do not explicitly teach about a device, characterized in that the message of importance is transmitted while retaining compatibility with ETSI standard ES 201 912. However, Kim states that ETSI standard ES 201 912 is a known SMS protocol/standard published Jan. 2002 (see front page, above the abstract). this is an indirect teaching about the presence of a prior art. It is to be noted that if there is a standard, meeting that standard is a requirement for accessing/effecting service and it is known that a given standard provides the steps how to be met. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to use or to be compatible with ETSI standard ES 201 912 for accessing/effecting a short message service by utilizing the established standard of the system, as evidenced by applicant's use of it.

**As per claim 8:** the feature of claim 8 is similar to the feature of claim 3. Hence, claim 8 is rejected on the same ground and motivation as claim 3.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied to claims 1 and 3 above, and further in view of Uchida et al. (Uchida) (US 7,072,359 B2).

**As per claim 4:** the references applied to claims 1 and 3 do not explicitly teach a device, characterized in that a code for message of importance is placed in a TP-DCS field, as claimed by applicant. However, in the same field of endeavor, Uchida teaches about short message conversion between different formats for wireless communication systems, wherein it is stated that the TP-DCS field is a standard format in GSM-SMS-SC, wherein the field includes a length of 8 bits --- bits 0 and 1 being used to indicate the message class for the short message (see col. 4, line 51-42, including tables 1 and 2A). Here, the message class can be the message type or importance of the message. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to use the TP-DCS field in a short message communication since it is a standard format and available for artisans in the field, as evidenced by applicant's use of the same.

**As per claim 5:** Uchida teaches about a device, characterized in that the text of the message of importance is placed in a TP-UD field (see col. 4, line 51-col. 7, line 8; col. 7, lines 47-57; col. 9, lines 46-61).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N. Zewdu whose telephone number is (571) 272-7873. The examiner can normally be reached on 8:30 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bost Dwayne D can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Art Unit: 2617

Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600

/Meless N Zewdu/  
Primary Examiner, Art Unit 2617  
4/17/2008